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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,582	09/15/2000	Colin Jarvis	200-0549	1978

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SOUTHFIELD, MI 48075-1238

EXAMINER
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MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/662,582

Applicant(s)

JARVIS ET AL.

Examiner

James S McClellan

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) 26-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18, and 21-32 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment was entered on October 16, 2003, wherein:
  - claims 18-32 are pending;
  - claims 26-32 have been withdrawn by the Examiner (see below - paragraph #2);
  - claims 1-17 have been canceled; and
  - claims 18-32 have been added.

### *Election/Restrictions*

2. Newly submitted claims 26-32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claims 1-17 and new claims 18-25 are directed to a method of conducting a financial analysis. Claims 26-32 are directed to a computer system. The computer system of claims 26-32 can be used for purposes of other than the method required in claim 18. For example, the projection engine and tools may be used to calculate data other than automotive financial analysis.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 26-32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,989,141 (hereinafter "Lyons") in view of U.S. Patent No. 5,233,533 (hereinafter "Edstrom").

Regarding **claim 18**, Lyons discloses a computer-implemented method of financial analysis (see column 2, lines 11-12), the method comprising: receiving a plurality of data (see column 2, lines 16-22) relating to manufacturing and sales including operating cost data and balance sheet data; generating specific financial data based on the operating cost data and balance sheet data; receiving the specific data into a financial projection engine (computer processor; see column 4, lines 1-15) having a plurality of financial tools for calculating one or more results, the tools including: an aggregation/average tool for calculating an aggregate or average of the specific data (see column 9, lines 1-3); an exchange tool for converting currency amounts (see column 3, lines 19-20); and a variance tool for calculating a variance (see column 17, lines 5-32); and displaying one or more of the results calculated by the financial projection engine (see column 4, lines 14-15); [**claim 21**] the variance calculation is additionally based on view type information, time period information, line item information, one or more issue numbers, one or more causal factor rules, volume information and product definition information (see column 17, lines 5-32 for various variance calculations); [**claim 22**] the calculated variance

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includes a product specific variance (it is inherent the variance may be calculated for any data, including a specific product data); [claim 23] the calculated variance includes a variance for a given period (see column 4, lines 25-28; "Periods"); [claim 24] the calculated variance includes a total variance for a requested line item (see column 17, lines 30-32); [claim 25] receiving user input defining one or more forecast assumptions and one or more physical assumptions, wherein or more of the results are calculated based on one or more the assumptions (see column 2, lines 43-45, "forecast").

Lyons fails to expressly disclose all known financial analysis tools including volume extension tools and allocation tools.

Edstrom teaches the use of a financial analysis tool that utilizes volume extension and allocation tools (see column 5, lines 26-34; column 6, lines 3-20, and column 7, lines 39-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lyons with the volume extension and allocation tools of Edstrom, because the volume extension and allocation tools provide additional sources of analysis to optimize a business.

Additionally, it is noted that Lyons and Edstrom are capable of being used in the automotive industry.

#### ***Allowable Subject Matter***

5. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Response to Arguments*

6. Applicant's arguments filed April 4, 2004 have been fully considered but they are not persuasive.

On page 5, final paragraph, Applicant argues that Edstrom discloses "volume extension", but it is not an extension of vehicle-related financial data. As Applicant states, Edstrom's extension tools is used to calculate product availability to meet customer demand and minimize manufacturing waste. Minimizing manufacturing waste is related to financial data and therefore meets the limitations in the claim.

On page 6, first paragraph, Applicant argues that Edstrom's allocation tool is related to resource allocation. Again, resources have a financial component and therefore is considered financial data.

As set forth above, Lyons discloses an aggregation tool and a variance tool (see column 9, lines 1-3 and column 17, lines 5-32). These tools may be used to calculate averages or variances for any data input into the system, including vehicle specific automotive data.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

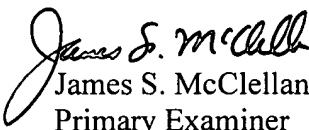
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm; April 4, 2004